REMARKS

In an office action dated 24 June 2004, the Examiner rejects claims 1-44 (all pending claims). In response to the office action, Applicants amend claims 1, 11 and 24 as well traverse the rejections. Applicants also cancels claims 4, 13, 20-23 and 29. Claims 1-3, 5-12, 14-19, and 24-28, 30-44 remain in the application. In light of the amendments and following arguments, Applicants respectfully request that all remaining claims be allowed.

Claims 1 and 11 are rejected under 35 U.S.C. §102(a) and (b) as being anticipated by U.S. Patent Number 4,892,948 issued to Aoki et al (Aoki). Applicants have amended claim 1 to include the limitation of claim 4 and claim 11 to include the limitation of claim 13. Thus, the 35 U.S.C. 102 (a) and (b) rejections must be removed.

The Examiner rejects claims 4 and 13 under 35 U.S.C. §103(a) as being unpatentable over Aoki in view of U.S. Patent Number 5,448,561 issued to Kaiser et al (Kaiser). Therefore, applicants address this rejection with respect to amended claims 1 and 11.

In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. Id. Applicants assert that the combination of references does not teach all of the claimed limitations and that the Examiner has failed to provide a proper motivation to combine the references.

Amended claim 1 recites the limitation of "read information of branch processing included in said data file wherein said data is stored in a data portion of said data file, and said information of branch processing is stored in a header portion of said data file." This limitation is not taught by either reference or the combination of references. Aoki does not teach this limitation. Aoki teaches the use of a data file to transfer information between objects executed based upon a user selecting Icons. See Col. 9, lines 47-64. Aoki does not teach the reading of branch processing information that is a header of a data file. Applicant has read the entirety of Aoki and cannot find any place that mentions storing branch processing information or processing information in general in a header of a data file used to pass data between processes.

Kaiser also does not teach the storing of branch processing information in a data file. Instead, Kaiser teaches a method for passing messages between stations in a Controller Area Network (CAN) system. (See Abstract) The messages includes frames having a header and a data portion. (See Abstract, Figure 3b; and Col 5, lines 30-56) The header includes identifiers that identify a sending and receiving station. Id. The data then includes a control field that identifies the type of message being sent. (col. 8, lines 7-44). Kaiser has nothing whatsoever to do with passing data from one process to another and does not deal with including branch processing information in data. Furthermore, the frames in Kaiser are used to transmit data over a network between stations and does not deal with passing branching information between processes for use in processing. Thus, Kaiser does not teach anything relating to storing branch processing information in a header.

Since neither Aoki nor Kaiser teaches a header including branch processing information, the combination does not teach a header storing branch processing information. Therefore, Applicants respectfully request that amended claim 1 be allowed.

Furthermore, even if the combination of references teaches a header of a data file including branch processing information, the Examiner has not provided a proper motivation to combine the references. The Examiner asserts that it is common knowledge that in an object oriented language that a data file must have a header. Applicants challenge this assertion. In an object orient language, a programmer is free to define a data structure for storing the information and this does not require a header for holding certain types of information. If the Examiner wished to maintain this assertion, Applicants request evidence that this assertion is true and a chance to respond to such evidence under §2144.03 of the MPEP. Otherwise this rejection cannot be maintained.

Furthermore, the combination of the reference changes the principle of operation of Kaiser. Case law and the MPEP require that a combination cannot change the principle of operation of a reference. See MPEP §2143.01 and In re Ratti, 270 F2d 810 (CCPA 1959). Kaiser teaches a method for transmitting messages between station in a CAN network. Kaiser does not teach a method for identifying branching information between processes or passing information between processes. Thus, the combination of Kaiser with Aoki changes the principle of operation of Kaiser.

For these reasons, the Examiner has failed to provide a proper motivation to combine the references. Therefore, Applicants respectfully request that amended claim 1 be allowed.

Claims 2-3, and 5-10 are dependent from amended claim 1. Thus, claims 2-3 and 5-10 are allowable for at least the same reasons as amended claim 1. Thus, Applicants respectfully request that claims 2-3 and 5-10 be allowed.

Amended claim 11 recites the same limitation of amended claim 1 of reading branch processing information from a data file wherein the data file has a header including the branch processing information and a data portion. Thus, amended claim 11 is allowable for at least the same reason as amended claim 1. Therefore, Applicants respectfully request that amended claim 11 be allowed.

Claims 12, and 14-19 are dependent from amended claim 11. Thus, claims 12 and 14-19 are allowable for at least the same reasons as amended claim 11. Thus, Applicants respectfully request that claims 12 and 14-19 be allowed.

Claim 24 is rejected under 35 U.S.C. §102(a) and (b) as being anticipated by U.S. Patent Number 5,734,905 issued to Oppenhiem (Oppenhiem). To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Oppenhiem does not teach each and every claimed element of amended claim 24 as recited in the claims.

Amended claim 24 recites that a data file is a file for passing data between programs. Oppenhiem on the other hand teaches a method for transforming one object

with a second object. Oppenhiem fails to teach a data file used to pass the data between the programs. Instead, actual objects pass and manipulate the data in Oppenhiem. Thus, the data file recited in amended claim 24 is not taught in Oppenhiem. For this reason, Applicants respectfully request that the rejection of claim 24 be removed and amended claim 24 be allowed.

Claims 25-28 and 30-44 are dependent upon amended claim 24. Therefore, claims 25-28 and 30-44 are allowable for at least the same reasons as amended claim 24. Therefore, applicants respectfully request the rejections to claims 25-28 and 30-44 be removed and claims 25-28 and 30-44 be allowed.

If the Examiner has any questions regarding this response or the Application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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